

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

HARTFORD FIRE INSURANCE CO.)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 03-12502 NMG
)	
EASTERN CONTRACTORS, INC.)	
)	
Defendant / Third Party Plaintiff,)	
)	
v.)	
)	
CITY OF LAWRENCE, CITY OF FALL)	
RIVER, and FREETOWN/LAKEVILLE)	
REGIONAL SCHOOL DISTRICT,)	
)	
Third Party Defendants.)	
)	

AFFIDAVIT OF DOREEN M. ZANKOWSKI, ESQ.

1. I, Doreen M. Zankowski, am a partner with Hinckley, Allen & Snyder LLP which has represented the Third-party Defendant, City of Lawrence (the “City”), in this matter.

2. The City filed a Request for Production of Documents to determine in part, whether Eastern Contractors, Inc. (“Eastern”), the Third-Party Plaintiff, had complied with the contract requirements to enable it to assert the claim submitted by the Plaintiff against the City.

3. Pursuant to a Request for Production of Documents by the City to Eastern, and based upon several attempts to inspect such documents, which included numerous telephone calls, emails and letters to counsel for Eastern, which intensified on or about February through May 2006, I contacted counsel for Eastern and requested the responsive documents, including the so-called “notice” letters supporting Eastern’s claims.

4. Although such documentation was purported to exist by counsel for Eastern, I was never provided with any documents that establish that Eastern ever transmitted or forwarded the S&R Construction Company, Inc. ("S&R") claim letters dated November 18, 2002 and December 5, 2002 to the Architect or City Representatives as required by the contract.

5. Accordingly, the City has filed this Motion for Partial Summary Judgment.

Subscribed and sworn to under the pains and penalties of perjury this 15th day of September 2006.

/s/ Doreen M. Zankowski

DOREEN M. ZANKOWSKI, ESQ.